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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,766

01/02/2002

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659/919

6310

7590

05/17/2006

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/038,766

Applicant(s)

TABOR ET AL.

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-8,17-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,21 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**Detailed Action**

**Claim Rejections - 35 USC 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 3, 2, 6-8, 24-26, 21, and 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claims 3 and 21, "the carrier" (L 2) lacks antecedent basis.**

**Claim Rejections - 35 USC 103**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 2-3, 6, and 24-26 are rejected under 35 USC 103(a) as being unpatentable over Emenaker et al. (US 5,830,296).**

**Claim 3**, Emenaker et al. teach transfer assembly 50 including carrier bodies 52 and 54. Bodies 52 and 54 each have an outer surface including the outer surface of the rolls themselves, surface 60A of body 52, and the surface of layer 76. The outer surfaces include a convex top portion (Fig 3) and convex recessed portions 58 and 68. Portions 58 and 68 have fixed, non-changeable generally hour-glass shapes (Fig 3). Bodies 52 and 54 each include at least one aperture (c 3, L 65, to c 5, L 36). A web is feed between bodies 52 and 54 during operation forming seal 40, which is where a final

product 20 is cut from the web, and embossings 34. Bodies 52 and 54 are configured to engage discrete part 20 such that the outer surfaces have discrete-part-engaging-surfaces. The top portions at 62 and 56 are adapted and configured to engage a portion of part 20 having a first thickness (i.e., initial web surface), and portions 58 and 68 are adapted and configured to engage at least one portion of part 20 having at least one thickness greater than the first thickness (i.e., the center the remaining portion of part 20 under the initial surface [see Fig 2] at edges 28 where seam 40 is formed and part 20 is removed from the remaining web) (c 5, L 37-56).

***Claim 3, Emenaker et al. do not teach at least one aperture in the outer surface of either of bodies 52 and 54 and extending through the respective body for communication with a vacuum source.***

However, embossing rollers conventionally include a vacuum source in communication with the rollers (i.e., carrier bodies) having apertures all along in the outer surface thereof to help keep the web fed therethrough aligned during the embossing operation, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Emenaker et al. The limitation of **claims 24-25** are met by Emenaker et al. modified since the at least one aperture is formed in the top portions and portions 58 and 68.

**Claim 3**, the limitation of "for transporting and applying a discrete part to a moving web" refers to the intended use of the claimed transfer assembly. Assembly 50 is capable of transporting part 20 from the nip via the exit nip where part 20 could be deposited onto a moving web thereto. The limitation of "the discrete part having varying thickness" refers to the material operated upon by the claimed transfer assembly and does not provide a structural difference between claim 3 and the transfer assembly of Emenaker et al.

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**Claim 2**, portions 58 and 68 are located generally centrally in the outer surfaces. **Claim 6**, in Emenaker et al. bodies 52 and 54 are supported in some manner for rotation to occur such that the items for support are considered the carrier base. **Claim 26**, in Emenaker et al. the top portions and portions 58 and 68 are integrally formed as a single unitary component.

**5. Claims 7-8 are rejected under 35 USC 103(a) as being unpatentable over Emenaker et al. as applied to claims 2-3, 6, and 24-26 above, and further in view of Boothe et al. (US 5,716,478).**

*Claims 7-8, Emenaker et al. teach providing bodies 52 and 54 in a manner such that the web does not stick thereto during operation. However, Emenaker et al. is silent as to the surface roughness of the outer surfaces, i.e., a surface roughness of at least 3 micrometers (claim 7) and that such are plasma coated (claim 8).*

Boothe teaches a transfer roll, where bodies 52 and 54 of Emenaker et al. are transfer rollers in that such move a web therebetween, including outer surface 46 having a surface roughness of at least 10 micrometers (which overlaps the claimed range) made by a plasma coating. This is provided to assist in gripping web 26 (c 6, L 15-45).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Emenaker et al. that bodies 52 and 54 have a surface roughness of at least 10 micrometers (claim 7, overlaps claimed range) made by and that such are plasma coating (claim 8) because Boothe teaches that such a surface roughness helps to maintain a web in position on a roller by grip assistance where such in Emenaker et al. would help to maintain the web in position during operation by grip assistance.

**Allowable Subject Matter**

**6. Claims 17-20 are allowed.**

**Claims 21 and 27-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.**

**7. The following is a statement of reasons for the indication of allowable subject matter:**

**claim 17:** Emenaker et al. teach an apparatus including a means adapted to support the web though Emenaker et al. do not teach this means to include a conveyor which advances the web; however, such are conventional in the art of moving a web to a cutter roll. Emenaker et al. teach the transfer assembly discussed in paragraph 4 above. Emenaker et al. do not teach a drive member which is configured to rotate about a second axis which is offset from a first axis of the transfer assembly (i.e., the axis of rotation of bodies 52 and 54); at least one coupler arm which is pivotally connected to the drive member about a pivot point with the arm including a cam end which is configured to follow a curvilinear path and a crank end which is slidably connected to the transfer assembly; and a drive mechanism adapted to rotate the drive member about the second axis wherein as the drive member is rotated the cam end of the arm is guided along the curvilinear path and the crank end of the arm slidably engages the transfer assembly thereby pivoting the arm about the pivot point to vary effective drive radius of the transfer assembly and rotate the transfer assembly at a variable speed. It is granted that Boothe et al. teach these limitations; however, it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Emenaker et al. the above limitations because Boothe et al. actively transfer the parts provided by the above limitations where Emenaker et al. passively delivers parts 20 from the nip between bodies 52 and 54.

**claim 21:** Emenaker et al. teach the transfer assembly discussed in paragraph 4 but do not teach that bodies 52 and 54 rotate about an axis substantially normal to the bottom surface of portions 58 and 68 and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Emenaker et al. modified in that Emenaker et al. teach bodies 52 and 54 to rotate about the first axis parallel to the bottom surface of portions 58 and 68.

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**8.** As allowable subject matter has been indicated, Applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See CFR 1.111(b) and MPEP 707.07(a).

**Response**


**9.** Applicant's comments filed 2-23-06 have been fully considered. In view of the amendments to claims 3, 17, and 21, the prior art rejections in the last Office action have been withdrawn

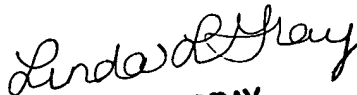
**Conclusion**

**10.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg   
May 15, 2006

  
LINDA GRAY  
PRIMARY EXAMINER